

HOUSE BILL No. 1632

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-33-49-32; IC 33-37-5-30.

Synopsis: Marion superior court magistrates. Allows a city-county council for a county having a consolidated city to impose a redocketing fee of \$50 on a party to an action brought in the circuit court or superior court in the county if the party initiates proceedings following final judgment. Requires the fee to be deposited in the state general fund. Allows the judges of the superior court to appoint 20 additional full-time magistrates if the city-council imposes the redocketing fee.

Effective: July 1, 2009.

Bardon

January 16, 2009, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1632

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-33-49-32, AS AMENDED BY P.L.80-2006,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 32. (a) In addition to the magistrate appointed
4 under section 31 of this chapter **and subject to subsection (b)**, the
5 judges of the superior court may, by a vote of a majority of the judges,
6 appoint
7 ~~(1) four (4) full-time magistrates under IC 33-23-5 until January~~
8 ~~1, 2008, not more than two (2) of whom may be from the same~~
9 ~~political party; and~~
10 ~~(2) eight (8) full-time magistrates under IC 33-23-5, after~~
11 ~~December 31, 2007, not more than four (4) of whom may be from~~
12 ~~the same political party.~~
13 **(b) In addition to the eight (8) full-time magistrates appointed**
14 **under subsection (a), if the city-county council imposes a**
15 **redocketing fee under IC 33-37-5-30, the judges of the superior**
16 **court may appoint twenty (20) additional full-time magistrates**
17 **under IC 33-23-5, not more than ten (10) of whom may be from the**



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1 **same political party, by a vote of a majority of the judges.**

2 ~~(b)~~ **(c)** The magistrates continue in office until removed by the vote
3 of a majority of the judges of the court.

4 ~~(c)~~ **(d)** A party to a superior court proceeding that has been assigned
5 to a magistrate appointed under this section may request that an elected
6 judge of the superior court preside over the proceeding instead of the
7 magistrate to whom the proceeding has been assigned. A request under
8 this subsection must be in writing and must be filed with the court:

9 (1) in a civil case, not later than:

10 (A) ten (10) days after the pleadings are closed; or

11 (B) thirty (30) days after the case is entered on the
12 chronological case summary, in a case in which the defendant
13 is not required to answer; or

14 (2) in a criminal case, not later than ten (10) days after the
15 omnibus date.

16 Upon a timely request made under this subsection by either party, the
17 magistrate to whom the proceeding has been assigned shall transfer the
18 proceeding back to the superior court judge.

19 SECTION 2. IC 33-37-5-30 IS ADDED TO THE INDIANA CODE
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
21 1, 2009]: **Sec. 30. (a) A city-county council for a county having a
22 consolidated city may impose a redocketing fee of fifty dollars
23 (\$50) on a party to an action brought in a circuit court or superior
24 court in the county if the party initiates proceedings following final
25 judgment.**

26 **(b) The clerk shall collect a redocketing fee from a party
27 described in subsection (a).**

28 **(c) A redocketing fee collected under this section shall be
29 deposited into the state general fund.**

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